

A RESOLUTION

**BY PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE**

01- -0475

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY
TO UNDERTAKE SETTLEMENT OF ALL CLAIMS
ARISING FROM THE CASE OF THOMAS KINCHEN VS.
SHERRY DORSEY PENDING IN THE SUPERIOR COURT
OF DEKALB COUNTY, CIVIL ACTION FILE NO.00-12127-
10 FOR THE AMOUNT OF \$1,711.00; AUTHORIZING THE
CHIEF FINANCIAL OFFICER TO DISBURSE THE
SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.**

WHEREAS, Thomas Kinchen made a request for certain documents in Councilmember Sherry Dorsey's custody under the Georgia Open Records Act, which request was initially denied by Ms. Dorsey: and

WHEREAS, Mr. Kinchen filed suit in the Superior Court of DeKalb County against Ms. Dorsey in Civil Action File No. 00-12127-10, seeking access to the documents, his litigation costs and attorney's fees, and

WHEREAS, should a jury find that the subject records were willfully withheld by Ms. Dorsey, attorney fees could be awarded, and

WHEREAS, Mr. Kinchen has offered to settle his claims against Ms. Dorsey for the sum of \$1,711.00, which is the amount of his attorneys fees, and

WHEREAS, the City Attorney has undertaken an extensive review of the law and facts applicable to this case and has determined that the City's potential financial exposure exceeds the proposed settlement amount; and

WHEREAS, based on the foregoing, the City Attorney recommends that the settlement

offer of \$1,711.00 be accepted.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1: The City Attorney is hereby authorized to settle all claims arising from the case of Thomas Kinchen v. Sherry Dorsey, now pending in Superior Court of DeKalb County, Civil Action File No. 00-12127-10, for the sum of One Thousand Seven Hundred Eleven Dollars (\$1,711.00).

SECTION 2: The Chief Financial Officer is authorized to pay a total sum of \$1,711.00 to Thomas Kinchen and his attorney Andrew Coffman from Account No. 1A101-529017-T31001.